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D.R. Horton, Inc.

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

AZURE MANOR/RANCHO DE PAZ  
HOMEOWNERS ASSOCIATION, a Nevada  
residential, common-interest planned  
community,

Plaintiff,

v.

D.R. HORTON, INC., a Delaware  
corporation, and DOES 1-100, inclusive,

Defendant.

D.R. HORTON, INC.,

Third-Party Plaintiff,

v.

ALLARD ENTERPRISES d/b/a IRON  
SPECIALISTS; AMERICAN ASPHALT &  
GRADING COMPANY; ATRIUM DOOR  
AND WINDOW COMPANY; BEBOUT  
CONCRETE, INC.; BEL-AIR PLASTERING,  
INC.; CENTRAL VALLEY INSULATION;  
CREATIVE TOUCH INTERIORS, INC.;  
DISTINCTIVE MARBLE, INC.; EFFICIENT  
ENTERPRISES, INC. d/b/a EFFICIENT  
ELECTRIC, INC.; GILMORE  
CONSTRUCTION, LLC; HARRISON

Case No. 2:14-CV-02222-JCM-NJK

**STIPULATION AND ORDER TO  
DISMISS THIRD-PARTY DEFENDANT  
EFFICIENT ENTERPRISES, INC. D/B/A  
EFFICIENT ELECTRIC, INC.**

LANDSCAPE COMPANY, LLC; MAJESTIC PLUMBING, INC.; NEVADA LANDSCAPING, INC.; NEW CREATION MASONRY, INC.; OPM, INC. d/b/a CONSOLIDATED ROOFING; QUALITY WOOD PRODUCTS LTD.; SILVER STATE FIREPLACES, INC.; SOUTHERN NEVADA PAVING, INC.; SUMMIT DRYWALL & PAINT, LLC; SUNRISE MECHANICAL, INC.; SUNSTATE COMPANIES, INC. d/b/a SUNSTATE LANDSCAPE; WESTERN SHOWER DOOR; ZEPEDA BROS. PAINT & DRYWALL, LLC; and DOES 1 through 150,

Third-Party Defendants.

**STIPULATION AND ORDER TO DISMISS THIRD-PARTY DEFENDANT EFFICIENT ENTERPRISES, INC. D/B/A EFFICIENT ELECTRIC, INC.**

Defendant/Third-Party Plaintiff, D.R. HORTON, INC. ("D.R. Horton"), by and through its counsel of record, the law firm of Wood, Smith, Henning & Berman LLP, and Third-Party Defendant, EFFICIENT ENTERPRISES, INC. D/B/A EFFICIENT ELECTRIC ("Efficient Enterprises"), by and through its counsel of record, the law firm of Parker Nelson & Associates, Chtd., hereby stipulate to dismiss Efficient Enterprises only, without prejudice in this litigation, with each party to bear its own attorney's fees and costs. The parties' stipulation is based on the following:

1. Efficient Enterprises' parent company, Tellum Construction, filed Voluntary Chapter 7 Bankruptcy on March 1, 2013, that included Efficient Enterprises, which is still pending at the time of this Stipulation and Order.

2. The automatic bankruptcy stay was lifted in 2013 in order to allow D. R. Horton to pursue the insurance proceeds for Efficient Enterprises, if any are available.

3. The insurance carriers have represented to the parties that all available insurance for Efficient Enterprises has exhausted.

4. Efficient Enterprises is being dismissed from this matter, without prejudice, based on Efficient Enterprises, its counsel's and its insurers' representations that all insurance policies have been exhausted.

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1           5.       The parties further stipulate that should any additional insurance policies for Efficient  
2 Enterprises be discovered, Efficient Enterprises will be renamed as a Third-Party Defendant in this  
3 litigation.

4           6.       The parties further stipulate that it has been determined that neither party is to be  
5 considered the prevailing party and the claims originally made against Efficient Enterprises were not  
6 frivolous.

7           7.       This Stipulation is entered into in good faith, in the interest of judicial economy, and  
8 not for the purposes of delay.

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WOOD, SMITH, HENNING & BERMAN LLP  
Attorneys at Law  
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LAS VEGAS, NEVADA 89128-9020  
TELEPHONE 702.251.4100 • FAX 702.251.5405

8. This Stipulation may be executed in one or more counterparts, each of which shall constitute a duplicate original. A facsimile or other non-original signature shall still create a binding and enforceable agreement.

IT IS SO STIPULATED:

May 9, 2019.

May 31, 2019.

WOOD, SMITH, HENNING & BERMAN LLP PARKER NELSON & ASSOCIATES, CHTD.

By:

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Attorneys for EFFICIENT ENTERPRISES,  
INC. d/b/a EFFICIENT ELECTRIC, INC.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT JUDGE  
DATED: June 12, 2019.

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